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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/511,168

02/24/2000

Xinguo Wei

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11/01/2005

FSP LLC

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EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/511,168

Applicant(s)

WEI, XINGUO

Examiner

Shick C. Hom

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2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 8/30/05 have been fully considered but they are not persuasive. In page 9-11 of the remarks, applicant argued that Richardson does not teach a hierarchy of geographic areas including the step of narrowing the scale of a map to geographically locate failed network elements and sending an alarm to the higher level in the hierarchy to identify the failure is not persuasive. While examiner agrees that Richardson does not recite the phrase "hierarchy of geographic areas," Richardson in col. 2 lines 15-39 recite the step of determining the network status and following the path of a failed print job to determine the point at which it failed, col. 3 lines 6-20 recite the network printers each being graphically represented by an icon on the network which can then be browsed to determine problem, col. 4 lines 19-46 recite that it is known to group network devices graphically and display the network devices as shown in Fig. 4, i.e. on top of the map of the United States whereby double-clicking on the NW-Servers icon for example will explode to show all the servers in that topology database, and col. 10 line 31 to col. 11 line 7 recite the administrator at a remote location

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being alerted at the occurrence of performance problem so as to drill-down, i.e. pin point, where the problem is, except when the problem exists at that level of the hierarchy so that a complete drill-down from the group view is not necessary clearly reads on use of a hierarchy of geographic areas including the step of narrowing the scale of a map to geographically locate failed network elements and sending an alarm to the higher level in the hierarchy to identify the failure.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10 and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Richardson (6,271,845).

Regarding claims 1, 15, 18, and 19:

Richardson disclose the method of managing network elements in a communications network comprising: establishing a hierarchy of geographical areas in the communication network, where an area at a higher level of the hierarchy includes a plurality of areas at a lower level of the hierarchy; representing each network element in a geographical area at a first level in the geographical hierarchy; and summarizing the representation of network elements at a second level in the geographical hierarchy higher than the first level of the geographical hierarchy (see col. 8 lines 10-46 which recite a managed network including the used of hierarchy of maps and sub-maps for alerting the administrator of the presence of a network object in poor health clearly anticipate the use of hierarchical levels for summarizing representation of network elements) as in claims 1, 15, 18, 19; sending an alarm to the higher level in the geographical hierarchy summarizing the failure of the one or more network elements; and in response to the alarm, identifying and locating failed network elements at a particular lower level of the geographical hierarchy (see col. 13 lines 33-60 which recite the steps of identifying each group view and each network object that has a poor health status) as in claims 15, 18; and a database including geographical locations of the network elements (see col. 9 lines 22-49 which recite the use of a

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database to store the user-definable group view attributes and col. 10 lines 31-43 which recite the administrator at a remote location being alerted of a problem with the network objects) as in claim 19.

Regarding claims 2, 16:

Richardson disclose the method in which the establishment of the hierarchy of geographical areas includes establishing  $n$  levels of geographical areas in the network, where each  $n$ th level geographical area includes a plurality of  $(n-1)$ th level geographical areas, and in which the summarizing the representation of network elements includes summarizing the representation of network elements at  $(n-1)$  levels of geographical areas (see col. 6 lines 1-7 and col. 9 lines 22-49 which recite "drill-down" from the higher level hierarchy to determine the root cause of the poor health status clearly anticipate the  $n$ th level includes the  $(n-1)$ th level summarization of elements) as in claims 2, 16.

Regarding claims 3, 17:

Richardson disclose wherein the management of the communication network includes monitoring a condition of the network elements, in which the representation of network elements in the geographical area includes representing the condition of the network elements, and in which summarizing the

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representation of network elements at the second level in the geographical hierarchy includes triggering an alarm at the second level in response to a condition of a particular network element represented at the first level (see col. 5 lines 13-52 which recite the use of health status indicators to convey to administrator alarm condition) as in claims 3, 17.

Regarding claim 4:

Richardson discloses wherein the communication network is managed in real-time, and further comprising, following the representing of each network element in the geographical areas: updating the condition of one or more network elements represented in the first level of the geographical hierarchy; and wherein summarizing the representation of network elements at the higher level in the geographical hierarchy includes triggering the alarm at the second hierarchical level in response to changes in the condition of network elements (see col. 3 lines 21-38 and col. 12 lines 15-26 which recite monitoring and displaying real-time performance, configuration, and selecting and viewing, at any time, the group registration file clearly anticipate the network being managed in real-time including updating condition and response to changes in condition of elements).

Regarding claim 5:

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Richardson discloses the method in which representing each network element in a geographical area at a first level in the geographical hierarchy includes representing at least one network element as a first icon on a map or geographical areas on the first level of the geographical hierarchy (see col. 8 line 47 to col. 9 line 21 and col. 10 line 31 to col. 11 line 7 which recite the use of icons on a map for representing the network objects).

Regarding claim 6:

Richardson discloses the method in which representing each network element in the geographical areas at a first level in the geographical hierarchy includes representing the condition of at least one network element with a first icon that varies with respect to the status of the network element (see col. 8 line 47 to col. 9 line 21 and col. 10 line 31 to col. 11 line 7 which recite the use of icons on a map for representing the network objects and further the use of shape or color to represent the health status of the object).

Regarding claim 7:

Richardson discloses the method in which the summarizing the representation of network elements at the second level in the geographical hierarchy includes representing the status of a plurality of the network elements as an icon on a map of



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geographical areas on the second level of the geographical hierarchy (see col. 4 lines 19-46 which recite the top-level network being represented by the Internet icon clearly anticipate the second icon).

Regarding claims 8, 9:

Richardson discloses the method further comprising, preceding summarizing the representation of network elements at the higher level in the geographical hierarchy: establishing a set of rules defining the meaning of the icon as in claim 8 and in which summarizing the representation of network elements at the second level in the geographical hierarchy includes coloration of the icon as in claim 9 (see col. 5 lines 13-52 which recite the share attribute values that define the group and col. 2 line 48 to col. 3 line 5 which recite the change of color of the icon being used to indicate the severity clearly anticipate establishing the set of rules defining the meaning of the icon including use of icon coloration).

Regarding claim 10:

Richardson discloses the method in which summarizing the representation of network elements at the level in the geographical hierarchy includes summarizing a status of a plurality of the network elements with textual annotation (see

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col. 3 lines 49-63 which recite the use of text to describe the problem).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (6,271,845) in view of Cutrer et al. (5,668,562).

Regarding claims 14 and 20:

For claims 14 and 20 Richardson disclose the method/system described in paragraph 3 of this office action. Richardson discloses all the subject matter of the claimed invention with the exception of the communications network being a fixed wireless system (FWS) wherein the network elements are base stations and remote units as in claims 14 and 20.

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Cutrer et al. teach that it is known to provide wireless communications for an in-building coverage area having a hub, a number of permanent antennas and a number of links connecting hub to antennas capable of sending and receiving signals in the radio-frequency (RF) range whereby the hub is typically a base station for cellular or cordless telephony including mobile users as set forth at col. 4 lines 17-48 in the field of telecommunications which clearly anticipate the communications network being a fixed wireless system (FWS) wherein the network elements are base stations and remote units as in claims 14 and 20. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the fixed wireless system wherein the network elements are base stations and remote units as taught by Cutrer et al. in the communications network of Richardson. The fixed wireless system wherein the network elements are base stations and remote units can be implemented by substituting the network of Richardson with the wireless system. The motivation for using the wireless system as taught by Cutrer et al. in the communications network of Richardson being the desirable added advantage not having to re-wire network elements to added services and to providing more mobility to users to the system of Richardson.

***Allowable Subject Matter***

6. Claims 11-13 and 21 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Frerking discloses a method for managing the registration of a wireless unit.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SH

A handwritten signature in black ink, appearing to be 'DM' with a long horizontal stroke extending from the 'M'.

DANSTON  
PRIMARY EXAMINER